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Attorneys for Defendants Charter Communications, Inc. and Spectrum Management Holding Company, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LORETTA JOHNSON and CHARLOTTE
GUSS, individually, and on their own behalf
and on behalf of all others similarly situated,

Plaintiffs,
vs.

CHARTER COMMUNICATIONS, INC., a
Delaware corporation; SPECTRUM
MANAGEMENT HOLDING COMPANY,
LLC; and DOES 1 through 10, inclusive, and
each of them,

Defendants.

Case No. 4:21-cv-06135-HSG

**DEFENDANTS' MOTION TO EXTEND
REPLY DEADLINE AND ORDER**

Honorable Judge Haywood S. Gilliam, Jr.

DEFENDANTS' MOTION TO EXTEND REPLY DEADLINE

Defendants Charter Communications, Inc. and Spectrum Management Holding Company, LLC move for a 14-day extension of time to file replies in support of their pending motion to compel arbitration (ECF 35) and motion to dismiss (ECF 36). In support of the motion, Defendants state as follows:

1. Per the Court's December 29, 2021 Order, ECF 38, the current briefing schedule on the motions is as follows:

Deadline	Date	New Date
Defendants' answer or other response to FAC	November 19, 2021	-
Plaintiffs' oppositions	January 14, 2022	-
Defendants' replies	January 28, 2022	February 11, 2022
Motion hearing	March 31, 2022	-

2. Earlier this week, Defendants' lead counsel in this matter unexpectedly fell ill with COVID-19. Not only did counsel fall ill with COVID-19, but so did his two young children, leaving him without childcare. This has occurred during the time for Defendants to prepare replies in this case.

3. The modest extension of the reply deadline Defendants seek will not affect the case schedule or prejudice Plaintiffs. The motions are set for a hearing on March 31, 2022 and no scheduling order has been entered, so no other dates will need to be modified in light of the extension Defendants seek.

4. Good cause exists to extend the time for Defendants' to file their replies. Fed. R. Civ. Proc. 6(b). *See, e.g., Martinez v. City of Avondale*, 2013 WL 673507, at *4 (D. Ariz. Feb. 25, 2013) (granting extension because of "attorney's unexpected illness").

5. On January 19, 2022, Defendants' informed Plaintiffs' counsel that they would be seeking this 14-day extension of time in light of counsel's unexpected COVID-19 illness. Plaintiffs' counsel indicated they would agree to a 7-day extension. But they inexplicably refused to stipulate to an additional 7 days to accommodate illness even though Defendants previously stipulated to permit

1 Plaintiffs' counsel *eight-weeks* to file oppositions—*four times* the usual time per Local Rule 7-3(a)—
2 based on their representations that they required extensions so the briefing schedule would not
3 interfere with the Thanksgiving and December holidays and would permit them sufficient time to
4 prepare the oppositions after a third party deposition (not to accommodate an illness). See paragraph
5 1, above.

6 In light of the foregoing, the Court should extend the time for Defendants to file replies in
7 support of their motions to compel arbitration and to dismiss to February 11, 2022.

8 DATED: January 20, 2022

9 KABAT CHAPMAN & OZMER LLP


10 By: /s/ Alexander Terepka
11 Alexander Terepka

12 *Counsel for Defendants*
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ORDER

GOOD CAUSE APPEARING, DEFENDANTS' MOTION IS GRANTED. IT IS SO ORDERED.

DATED: 1/21/2022


Honorable Judge Haywood S. Gilliam, Jr.
United States District Judge